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EHRHARDT et al.  
S.N. 10/070,277  
OA September 21, 2005

**REMARKS:**

Claims 9-10, 14 and 19-20 are currently pending. Claim 19 and 20 are new and support for said Claim can be found throughout the Specification.

**Claim Rejections under 35 USC § 112 ¶1**

Claims 9-10 and 14 are rejected for allegedly being not enabling because the Examiner believes that the instant Specification would not enable one of ordinary skill in the art to make the instant invention. The Examiner maintains that Applicants have failed to address the enablement rejections.

The Applicants respectfully disagree.

Applicants reiterate that the availability of DHO variants plays only a minor role in the method of the instant invention. The instant invention does not recite Claims for nucleic acid sequences but for a method that employs said sequences. The instant invention at least discloses a method to screen for new herbicides based on a new testing procedure, namely, employing DHO to discover new inhibitors. Accordingly, Applicants hereby respectfully request that the Examiner specifically point out why one of ordinary skill in the art would be unable to perform the method of the instant invention for screening DHO inhibitors using a DNA sequence of SEQ ID NO: 1 or a DNA sequence having a homology of at least 60% with respect to SEQ ID NO: 1 and which encodes a protein which has the enzymatic activity of a dihydroorotase.

The Examiner argues that screening the large number of possible modifications available for DHO would not be routine and that Applicants have failed to provide details of where and how the DHO could be modified – which might lead to an inactive protein. Applicants urge that the method of the instant application screens for inactive proteins in the method itself. Inactive DHO proteins would be weeded out in step two of Claim 9 wherein the activity is tested in the presence or absence of a test compound. Thus, the instant Claims are enabled for their claimed scope.

For at least the reasons stated above, it is urged that the rejections under 35 USC § 112 ¶1 should be withdrawn. Favorable action is solicited.

The Examiner is requested to telephone Jason D. Voight, Reg. No. 42,205, or Todd R. Samelman, Reg. No. 53,547, at 202-659-0100 with any question regarding the above

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argumentation.

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